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In re Application of
JEONG et al.

Serial No.: 10/556,343

PCT No.: PCT/KR05/02326

Int. Filing Date: 19 July 2005

Priority Date: 20 July 2004

Attorney's Docket No.: 9988.262.00

For: DRYING RACK IN DRYER

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: DECISION ON PETITION
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: UNDER 37 CFR 1.182
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This decision is in response to applicant's "Petition to Withdraw Holding of Abandonment Based on Evidence that a Reply Was Timely Filed" filed 04 March 2008 in the United States Patent and Trademark Office (USPTO) in the above-captioned application and as explained below, will be treated as a petition under 37 CFR 1.182.

On 10 November 2005, applicant filed the U.S. national stage application for international application PCT/KR05/02326, under 35 U.S.C. 371. These papers were assigned U.S. serial number 10/556,343.

On 02 October 2006, a Notification of Missing Requirements, was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required.

On 31 January 2008, a Notification of Abandonment was mailed to applicant indicating that applicant failed to respond the Notification of Missing Requirements.

On 04 March 2008, applicant filed the instant petition, accompanied by a copy of the declaration and the itemized postcard receipt with USPTO date-stamp 07 February 2007, indicating receipt of, *inter alia*, a declaration executed by the inventors.

DISCUSSION

Applicant requests withdrawal of the holding of abandonment, indicating that a response to the Notification of Missing Requirements, was mailed on 07 February 2007.

A review of the application papers filed on 07 February 2007 reveals that the transmittal letter bore an incorrect U.S. application number (11/556,343). The accompanying papers referenced the correct U.S. application number (10/556,343). Because applicant indicated an incorrect application number on the transmittal letter, the papers filed on 07 February 2007 were placed in the file indicated by the application number on the transmittal letter. However, since applicant did indicate the correct application number on some of the papers filed, the application is not abandoned and a petition under 37 CFR 1.182 is the proper petition to correct an incorrect number on a filing. The petition filed on 04 March 2008 will be treated as a petition under 37 CFR 1.182 to correct the national stage application number in the application papers to 10/556,343.

Applicant originally filed a response to the Notification of Missing Requirements on 07 February 2007, which incorrectly referenced 11/556,343. The declaration was filed referencing 10/556,343 and the accompanying papers referenced 10/566,343. The \$400 petition fee has been charged to applicant's deposit account per his authorization to correct the incorrect serial number. It is noted that a 3 month extension of time is required as the response to the Notification of Missing Requirements was mailed three months after the 2 month period set forth in the Notification. This extension of time will be charged to applicant's deposit account per their authorization.

A review of the declaration reveals that the declaration identifies and is executed by each inventor, and states the residency, citizenship and mailing address of each inventor. Thus, the declaration is acceptable and the requirements of 37 CFR 1.497(a) and (b).

For the reasons set forth above, the 31 January 2008 Notification of Abandonment is hereby **VACATED**.

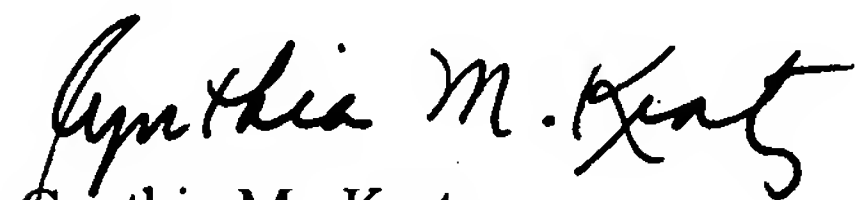
CONCLUSION

Applicant's petition under 37 CFR 1.182 to correct the U.S. National stage application no. to 10/566,343 on the application papers filed on 07 February 2008 is **GRANTED**. The papers will be moved to this application.

The 31 January 2008 Notification of Abandonment is hereby **VACATED**.

The copy of the declaration originally submitted on 07 February 2007 and resubmitted on 04 March 2008 is acceptable and meets the requirements of 37 CFR 1.497(a) and (b). The surcharge of \$130 will be charged to applicant's deposit account.

The application will be forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 07 February 2007.



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